IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1848 OF 2005

Shri.Kishor Shivaji Motta ..Petitioner

Vs.

Shri.Ganesh Atmaram
Bhoir & Anr. ..Respondents

...
Mr. Girish Kulkarni Advocate for Petitioner
Ms. S.V.Gajare A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : AUGUST 22,2005

P.C.

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State.

2. The petitioner is seeking quashing of C.C.No.3/I&R/2005 which is pending before the learned M.M. 27th Court, Mulund, Mumbai. The said case has been referred to Navghar Police Station under section 156(3) of Cr.P.C. The learned advocate for the petitioner has submitted that in view of this order the F.I.R. would be registered and petitioner would be arrested.

3. The learned A.P.P. states that investigation in this case is going on. The learned A.P.P. on instructions states that the Investigating Agency will give 96 hours notice prior to arrest of the petitioner. In view of this statement, the learned advocate for the petitioner does not press the other prayers in the petition and he seeks liberty to file separate proceedings at a later stage if necessary. Liberty as prayed for is granted.

4. Application is disposed of with directions that Investigating Agency shall give 96 hours notice to the petitioner prior to his arrest. If such notice is received by the petitioner, the petitioner shall prefer the necessary application to the concerned Sessions Court.

[V.K.TAHILRAMANI,J.]